

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ASARCO LLC,

Plaintiff,

v.

NL INDUSTRIES, INC., *et al.*,

Defendants.

Case No.: 4:11-cv-00864 JAR

PLAINTIFF'S STATUS REPORT ON GOVERNMENT REMEDIATION

Pursuant to the Court's Order dated March 11, 2013 (Dkt. No. 141), Plaintiff ASARCO LLC ("Asarco") provides this Status Report Regarding Remediation of the Southeast Missouri Mining District ("SEMO" or "SEMO Sites"). Asarco seeks contribution in this case, as allowed by CERCLA and according to a District Court approved settlement agreement, for a limited area of the Southeast Missouri Mining District. Despite Defendants' effort to portray this contribution claim as tremendously complex and involving massive geographic areas in order to obtain a stay, the areas of SEMO involved in this contribution action are limited. As this status report indicates, the remediation processes are finite and most are either underway or complete. There is no reason to continue the stay and to deny Asarco's right to obtain contribution from the companies that caused contamination that the Asarco financed cleanup has addressed.

I. OVERVIEW

This is a civil action brought by Asarco pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675, for contribution and cost recovery against Defendants for costs and

damages incurred by Asarco in SEMO. Asarco paid over \$80 million to settle all claims of environmental liability at SEMO (“Asarco Settlement”), including all response costs and Natural Resource Damages (“NRD”). The Asarco Settlement established Asarco’s CERCLA §113(f) contribution claim, a right codified in CERCLA and confirmed to exist by the United States Supreme Court. As held in *United States v. Atlantic Research Corporation*, “Section 113(f) explicitly grants [PRPs] a right to contribution.” 551 U.S. 128, 138 (2007). Given the state of cleanup at all sites where Asarco has a claim for contribution, an indefinite stay is tantamount to denial of an important right guaranteed by statute and recognized as important by the Supreme Court of the United States.

DEFENDANTS

Union Pacific Railroad Company (“Union Pacific”) is a PRP at all SEMO Sub-sites. Union Pacific cannot avoid contribution liability if EPA has not yet named it as a PRP. Documents from the United States Bureau of Mines and other governmental agencies confirm that railroad construction at SEMO was accomplished by purchasing tailing piles and mining wastes to use as ballast for the railroad. These ballast beds made of mining waste frequently impact waterways. Asarco estimates that Union Pacific owns and is responsible for over 10 million cubic feet of waste at SEMO and almost half a million tons of mining waste. This mining waste is or has been “disposed” or “released” into SEMO and its waterways. Union Pacific is also a PRP because historic operations would involve releases and spillage as ore through open ore cars and trucks was transported through rail to distant facilities for further smelting or refining, which would dispose or release metals and contribute to SEMO metals contamination.

NL Industries, Inc. (“NL”) is a PRP at the Big River/Federal Mine Tailings Sub-site and the Madison County Sub-site. NL’s predecessor companies were owners and operators of the mine sites in St. Francois and Madison Counties. From 1942 to 1961, the Madison County mine was operated by the St. Louis Smelting Company and Refining Division of the National Lead Company, which later became NL. These mine sites and associated ore processing facilities generated chat and tailings as a by-product from the ore concentrating processes. The chat and tailings contain hazardous constituents including lead, cadmium, arsenic and zinc and these constituents have migrated to surface soil, surface water, sediments and groundwater. Mining during this time included lead, copper, cobalt/nickel, and pyrites (Jacobs Engineering Group 1995). Between 1849 and 1962, approximately 4,960,000 tons of tailings were deposited at this site (BE&K/Terranext 2000). In 1981, NL filed a Notification of Hazardous Waste Site form with EPA indicating that from 1944 to 1974 the Madison Mine engaged in hazardous waste treatment, storage, or disposal. The form indicates general waste types as “inorganics,” “heavy metals” and “mine wastes.” The sources of waste are indicated as “mining” and other sources including “cobalt, nickel and recovery (cobalt, nickel).” Past mining activities, along with the migration of the tailings, have contaminated residential yards, surface water and sediment in streams, groundwater, and air. The tailings have migrated from the tailings areas by natural and human activities to areas where exposure is more likely to occur. Lead is the primary contaminant of concern associated with the tailings. Although other metals have been detected in certain portions of this site, insufficient data exist to determine possible health risks. Human exposure has occurred to these media at areas in and around the city of Fredericktown. Because of this exposure and the contaminated tailings, the Environmental Protection Agency (EPA) proposed the site for listing on the National Priorities List on April 30, 2003. The listing was

finalized on September 29, 2003 (ATSDR 2005).

St. Francois County Environmental Corporation (“SFCEC”) is a PRP at the Big River/Federal Mine Tailings Sub-site. SFCEC operated a landfill within the Big River Tailings Pile. SFCEC leased 84% of the Big River Tailings Pile in 1973 and operated the subject landfill during the catastrophic release of tailings into the Big River in 1977 (50,000 cubic yards). SFCEC was an operator of the Big River Tailings Pile site in St. Francois County (*i.e.*, SFCEC disposed of municipal waste undoubtedly containing hazardous substances at the Big River Tailings Pile which contains hazardous substances). The chat and tailings in the tailings pile contain hazardous constituents including lead, cadmium, arsenic and zinc, and these constituents have migrated to surface soil, surface water, sediments and groundwater. The release in 1977 and the on-going and future imminent releases of hazardous constituents have been documented during various investigations. Response and restoration costs in accordance with the NCP have been incurred at all sites in SEMO.

Delta Asphalt Company (“Delta”) is a PRP at the Madison County Sub-site. Specifically, Delta owns or has owned the Catherine Mine Site, including waste piles, in Madison County. In addition to the waste caused by active mining, Delta has used the mine to store chat and tailings which contain hazardous constituents including lead, cadmium, arsenic and zinc. Delta’s past and continuing release of hazardous wastes has been well documented during various completed investigations.

Anschutz Mining Corporation (“AMC”) is a PRP at the Madison County Sub-site AMC. AMC owns or has owned the Madison Mine in Madison County. AMC owns or has owned five main tailings piles that cover approximately 200 acres, several ponds, and remnants of a mill, smelter, and refinery complex. The area also features intermittent creeks, which are tributaries to

larger waterways. The EPA has recognized that tailings from the mine waste piles in this region are easily transported and released to surface water bodies and ambient air via wind and water erosion. AMC or its corporate predecessors thus own or operate or have owned or operated manufacturing, storage, transport and/or related operations of or for hazardous substances through facilities in or near SEMO. AMC is responsible for multiple releases of hazardous substances at or near SEMO, which hazardous substances have come to be located at SEMO, and for which Asarco has paid for the remediation of such hazardous substances through a judicially approved settlement.

II. PROGRESS OF CLEANUP JUSTIFIES A LIFT OF THE STAY

As detailed in this Status Report, progress has been substantial during the past five years and continuation of the stay unfairly denies Asarco's right to litigate its contribution claim in this Court. Asarco, it should be remembered, is the party that voluntarily settled and paid for the massive cleanup of areas of SEMO, including the pollution left there by non-settling defendants. The stay presently imposed by the Court in this action is a stay of indefinite duration. The type of stay imposed by this court is contrary to public policy and has been criticized generally by the courts. *See, e.g., King v. Cessna Aircraft Co.*, 505 F.3d 1160, 1172 (11th Cir. 2007) ("We have repeatedly held that a stay order which is 'immoderate' and involves a 'protracted and indefinite period' of delay is impermissible."); *CTI-Container Leasing Corp. v. Uiterwyk*, 685 F.2d 1284, 1288 (11th Cir. 1982) (reversing a stay order, reasoning: "It is difficult to accurately predict the time that CTI will be forced to stand aside if it is required to await . . . [what] can safely be described as an indefinite period of time. We cannot uphold such an indefinite or immoderate stay . . ."); *McKnight v. Blanchard*, 667 F.2d 477, 479 (5th Cir. 1982) ("The district court has a general discretionary power to stay proceedings before it in the control of its docket and in the

interests of justice. *Nevertheless, stay orders will be reversed when they are found to be immoderate of an indefinite duration.*") (*emphasis added*); *McSurely v. McClellan*, 426 F.2d 664, 671 (D.C. Cir. 1970) (stating that a district court's discretion to grant a stay "may be abused by a stay of indefinite duration in the absence of a pressing need") (*citation omitted*). The current stay prejudices Asarco and fundamentally denies Asarco its right to contribution granted by Congress. *See, e.g., Hines v. D'Artois*, 531 F.2d 726, 733 (5th Cir. 1976) (opining that a stay that was "indefinite in duration, but in all probability [would] remain in effect at least eighteen months, and might last for as long as five years" was "sufficient for us to scrutinize the reasons for [the stay] very closely"). At this time, given the progress of cleanup reported herein, the Court should conclude that there is no longer a "pressing need" for continuation of the stay. At minimum, the stay should be modified as to the sub-sites or operable units within each site where cleanup is substantially complete.

III. THE SOUTHEAST MISSOURI MINING DISTRICT

SEMO is comprised of five sub-sites: (a) Madison County / Catherine Mine; (b) Big River / Federal Mine Tailings (St. Francois County); (c) West Fork Mine; (d) Sweetwater Mine; and (e) Glover Smelter. The Madison County / Catherine Mine Sub-site is located approximately 90 miles south of St. Louis, Missouri in an area of southeast Missouri known as the "Old Lead Belt." The "Old Lead Belt" covers an area of approximately 110 square miles and was the nation's largest producer of lead from approximately 1907 to 1953. Approximately eight million tons of lead was produced, resulting in the production of 250 million tons of mine waste. The Big River drainage basin, which drains the Old Lead Belt, is estimated to contain 3,000 acres of tailings. EPA has recognized that tailings from the mine waste piles are easily transported and released to surface water bodies and ambient air via wind and water erosion.

As to the specific sub-sites, the Big River Mine was developed by St. Joseph Lead Company and operated by St. Joe Minerals from 1929 through 1958. The Federal Mine Tailings site is now part of the St. Joe State Park, the third largest state park in Missouri. The West Fork Mine Sub-site is an active mine in Reynolds County producing lead sulfide and zinc sulfide. The Sweetwater Mine Sub-site is an active mine in Reynolds County producing primarily lead sulfide and zinc sulfide. The Glover Smelter is no longer in operation. Obviously, given the breadth of these sub-sites, to continue the stay pending the resolution of the remediation of each and every operable unit would draw this litigation out for years, if not decades. Such an impediment to the exercise of CERCLA rights was never contemplated by Congress and should not be continued by the Court. Upon further review of the ongoing processes at each of these sites, it is readily apparent that the stay needs to be lifted and/or modified in its entirety given the length of time it will take to complete the remediation at SEMO.

A. Cleanup of Madison County - Catherine Mine Sub-Site

The Madison County / Catherine Mine Sub-site is located approximately 90 miles south of St. Louis, Missouri in an area of southeast Missouri known as the “Old Lead Belt.” The Madison County Mines Sub-site has been broken down into seven Operable Units (OUs):

- 1) Northern Madison County Unit;
- 2) Anschutz Sub-Site;
- 3) Madison County Residential;
- 4) Conrad Tailings;
- 5) Catherine/Skaggs Pile;
- 6) Silver Mines; and
- 7) St. Francis and St. Francis River Watersheds.

Removal assessments were initiated in 2000, 2002 and 2003, and removal actions were implemented in 2001, 2003 and 2006 to address lead concentrations exceeding 1,200 parts per million (ppm) for industrial land and 800 ppm at residential properties. Removal actions began in 2001 and continued through 2008 resulting in the remediation of 813 properties totaling an estimated 205,000 cubic yards of contaminated soil and mine waste removed, replaced and restored. All “time critical” removal actions are complete.

1. OU 1: Northern Madison County Unit

OU 1 includes Mine La Motte Tailings (approximately 250 acres) and adjoining Slime Pond (approximately 100 acres), Harmony Lake, Copper Mines (also known as Basler or Shoemaker Tailings), Offset Mine, Lindsey Mine, Old Jack Mine and a small gage feeder rail right-of-way. A tailings location at Harmony Lake was used as a soils repository during time-critical removal actions and is capped. Copper Mines chat was removed during remedial actions (RAs) in 2011. OU 1 is included in the combined OU Supplemental Remedial Investigation/Feasibility Study (RI/FS).

2. OU 2: Anschutz Sub-Site

The Anschutz Sub-Site is defendant Anschutz Mining Corporation’s property, historically known as the Madison Mine. It includes tailings areas, a pond, former mills and smelter, a refinery complex, a waste (“chat”) pile and a mine dump. Asarco did not own or operate the Anschutz facilities although its settlement has been used for this purpose. The area is nearly cleaned up and is properly the subject of a contribution claim. For example, tailings areas have been cleaned, graded and stabilized. The pond, dam, and associated drainages have been reconstructed. A water treatment system is being implemented and tested at a discharge point near Tolar Branch Creek.

3. *OU 3: Madison County-Wide Residential*

The Madison County-Wide Residential site has involved the cleanup of soils contaminated with mining metals at residences, child high-use areas and in public areas. Since 2008, an Interim Record of Decision (“IROD”) was issued and implemented for these residential property cleanups. 880 residential properties and public areas have been cleaned resulting in the removal of over 447,000 cubic yards of contamination. While some residential properties remain to be sampled, EPA estimates that approximately 210 of those will require remediation, an estimate that is based on the historic average that 42 percent of all properties sampled exceed 400 ppm lead. According to Dan Kellerman, the USEPA Remedial Project Manager for Region 7 – Superfund Division, residential cleanups are approximately 80% complete. A Health Education Program and Voluntary Institutional Control Pilot Project are included in the IROD to enhance the community’s awareness of the risks of lead, provide for a public database to track cleanups and alert homeowners of existing contamination, and to incorporate safe residential and commercial handling of contaminated materials to both eliminate the future spread of contamination and reduce additional exposure in maintaining the cleanup at residential properties already remediated. Because the residential cleanups are at least 80% complete, the stay should be lifted, at least as to this OU and the defendant against which Asarco claims contribution, Anschutz Mining. The liability and costs associated with this OU are known, based on prior cleanup, and if there is more work to be done, it is limited.

4. *OU 4: Conrad Tailings*

The Conrad Tailings site is used as the soil repository for cleanup of the Madison County residential soils. EPA issued a Record of Decision (“ROD”) in September 2011. A ROD explains which cleanup alternatives will be used to cleanup a Superfund site. It contains site history, site description, site characteristics, community participation, enforcement activities,

past and present activities, contaminated media, the contaminants present, scope and role of response action and the remedy selected for cleanup. Thus, the cost and details of this component of the SEMO cleanup are known and established. Moreover, to the extent the government's remediation process at this site is in the final capping phase and generally complete, the stay should be lifted as to this operable unit.

5. *OU 5: Catherine/Skaggs Pile*

The Catherine/Skaggs Pile OU includes Catherine Mines and Skaggs Tailings sub-sites and the former overhead tram to the LSFR sub-site. EPA issued a Record on Decision in September 2012. The remedies implemented by the ROD include: (1) co-locating mine waste and other contaminated media; (2) grading and capping the repositories; (3) monitored natural recovery ("MNR") of downstream sediment and surface water, or removal of sediment and placement below cap if MNR is determined unsuccessful; (4) monitoring groundwater; and (5) remediation of residential properties along the former tramway as part of the OU3 response actions. The remedial action is pending, while the remedial design is currently being implemented. As with OU 4, the Conrad Tailings Pile, the capping of the Catherine/Skaggs Pile has commenced, and the site is now solely being used as a soils repository for residential soils cleanup. Thus, the work is primarily complete and the stay should also be lifted as to this operable unit.

6. *OU 6: Silver Mines*

The Silver Mines OU includes the Silver Mines and Hickory Nut Mines 1, 2 and 3. Hickory Nut 3 chat was removed completely by 2010. A large portion of the Silver Mines is located on U.S. Forest Service property and further action, if any, for this site is delayed due to interagency turf wars. Given the status of the work on this OU, the case should be allowed to

proceed. Although Asarco did not use this property or contribute to the waste at this sub-site, Asarco paid for its cleanup. Under CERCLA, Asarco should be allowed to pursue its contribution claim.

7. *OU 7: Little St. Francis and St. Francis River Watersheds*

The Little St. Francis and St. Francis River Watersheds include remediation of all water courses that will not be addressed by the other operable units. Currently, no action has been taken aside from historic data collections in creeks and drainage areas. Investigation of this OU is not scheduled to commence until such time as there is confirmation the watershed is no longer taking in additional contaminants from the other sites. Thus, the remediation at this operative unit will not commence until after the remediation at the other sites has been completed. Future actions will include engaging property owners and public involvement to assist steering this OU to the appropriate remedial action.

B. Big River / Federal Mine Tailings Sub-Site

This Sub-site is comprised of three elements: Federal Mine Tailings, Big River Mine Tailings, and residential yards in St. Francois County. Asarco operated a subsidiary in Missouri, the Federal Lead Company, from 1905 to 1923, which is partially responsible for the Federal Mine Tailings site, and is now part of the St. Joe State Park, the third largest state park in Missouri. The Big River Mine was developed by St. Joseph Lead Company (aka St. Joe Minerals Corporation) in 1929 (after Asarco's sale of all of its southeast Missouri holdings to St. Joe in 1923) and operated by St. Joe from 1929 through 1958. In St. Francois County, area-wide residential yards have been impacted by mining and metals processing operations, which now require remediation. Mine wastes in the area have migrated to residential yards, surface waters and sediments, which are being addressed as part of the Big River area-wide remedial and

removal activities. This Sub-site has been broken down into four OUs, which include the Site Evaluation and Disposition, Residential Property Soils, Off Source Areas, and the Interim Program.

1. OU 0: Site Evaluation and Disposition

This operable unit is associated with removal activities at: 1) Big River Pile, or Desloge (stabilized in 2000; part of this pile is currently used as an on-site repository), 2) Bonne Terre (stabilized in 2007), 3) Elvins (stabilized in 2009; treatment ponds are in development to reduce dissolved zinc moving off-site to Flat River Creek), 4) Leadwood (stabilized in 2011; treatment ponds are in development to reduce dissolved zinc moving off-site to Big River), 5) National (stabilized in 2012; no additional work is planned), 6) Federal (currently being remediated; to be completed by September 2014), 7) Doe Run Pile (to be determined), and 8) Hayden Creek (to be determined).

2. OU 1: Residential Property Soils

This operable unit is concerned with stabilization of the Desloge Pile and the remediation of residential properties. The Desloge Pile was prioritized and cleaned up due to its proximity to Big River. The removal action began back in 1994. Since that time, an Engineering Evaluation and Cost Analysis was completed, in addition to grading, stabilization and re-vegetation of the waste pile has been completed. The other activities that have been completed to date, which were part of the governments' claim and Asarco's voluntary settlement, include establishing an information repository (02/01/1994), an Engineering Evaluation and Cost Analysis (03/27/1994), PRP remedial investigation (03/22/2006), risk and health assessment (09/08/2009), removal assessment (07/26/2010), removal of residential soils (10/03/2010 and 07/30/2011), PRP Feasibility Study (09/30/2011), ROD (09/30/2011), another removal assessment (12/13/2011),

and removal and stabilization of metals of contamination soils (06/14/2013). The EPA initiated a Time-Critical Removal Action (“TCRA”). EPA has remediated 316 properties, 27 day care facilities, and 16 schools under this Operable Unit. Through the substantial work that has already been completed, the cost for remediation has been established. Given the liquidation of the claim as to this operative unit, the stay should be lifted, and Asarco’s claim for contribution should proceed.

3. OU2: Off Source Areas

The Off Source Areas are terrestrial ecological risks and impacted watersheds associated with mine wastes and future work on the Doe Run Pile, including Railroads, Big River, and Flat River Creek. A Remedial Investigation and Feasibility Studies (“RI/FS”) commenced in 01/29/1997. The government later initiated a combined RI/FS in 2004. The RI/FS provides for the estimation on costs for remediation, in addition to a plan of action. Thus, the nature and extent of the environmental impacts for the Off Source Areas are known, and Asarco’s contribution action as to this operative unit should be allowed to proceed.

4. OU 3: Interim Program

The Interim Program and Halo Removal Action operative unit was lead by Doe Run and enacted to address elevated lead levels at Doe Run’s site, focusing primarily on educating the community to avoid lead exposure. Under this OU, 381 full properties and 194 partial properties, 3 day care facilities, 4 schools, and 6 parks have been remediated. A Health Education Program and Voluntary Institutional Control Pilot Project are included in the IROD to enhance the community’s awareness of the risks of lead exposure.

C. West Fork Mine Sub-Site

The West Fork Mine Sub-site is an active mine in Reynolds County producing lead

sulfide and zinc sulfide. The West Fork Mine Site is comprised of approximately 475-acres located approximately six (6) miles east-northeast of Bunker, Missouri. Mining and milling operations were formerly conducted on approximately 20-acres of the Site and tailings were discharged to an approximately 130-acre tailings pond located south of the process facility. The remainder of the Site is forested land.

In 1980, Asarco developed the mine, and production started in 1985. The operation was then sold to Doe Run in 1998. Doe Run conducted mining and milling operations until at least 2001 and continues to own and maintain the mine. Before Asarco sold the property to Doe Run, in 1996, Asarco purchased, installed and operated a state-of-the-art process water treatment system for acid mine drainage. The Asarco system has run effectively for almost ten years.

D. Sweetwater Mine Sub-site

The Sweetwater Mine Sub-site is an active mine in Reynolds County producing primarily lead sulfide and zinc sulfide. The Sweetwater Mine Sub-site is comprised of approximately 7,700-acres located approximately five miles southwest of Reynolds, Missouri. Lead and zinc mining and milling operations are currently being conducted on approximately 60-acres of the Site and an approximately 592-acre tailings pond is located on the northern end of the Site. Exposed tailings also cover approximately 200 acres of the southern portion of the pond. The remainder of this Sub-site is forested land.

The ore body was originally discovered in the early 1960s. Kennecott Corporation began mining production on the Sub-site in June 1968 as the Ozark Lead Company Mine. During operation by Kennecott Corporation, the mine was referred to as the Ozark Mine or the Milliken Mine. Production at the Sub-site ceased in March 1983, but in December 1986, Asarco purchased the Ozark Mine from Kennecott Corporation.

In June 2003, a Pre-Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Site Screening (SS) was conducted by Missouri Department of Natural Resources adjacent to the Site. The Site Screening has been completed since September 2003.

Almost 10 years ago, in May 2004, Missouri Department of Natural Resources conducted a preliminary assessment/site investigation (PA/SI) at the Sweetwater Mine Sub-Site. Following the issuance of the PA/SI report in April 2005, the Site was granted a No Further Remedial Action Planned (NFRAP) status by the USEPA in November 2005. Thus, this Sub-site has been closed and remediated for almost 10 years. In April 2012, the Missouri Attorney General filed a consent decree to resolve environmental violations at Doe Run's Sweetwater Mine and Mill in Reynolds County.

E. Glover Smelter Sub-Site

Asarco operated a smelter from 1968 until 1998 in Iron County in southeastern Missouri, approximately 100 miles southwest of St. Louis, Missouri. The smelter is located in a sparsely populated area near the confluence of Big Creek and Scoggins Branch at the foot of the slopes on the west side of the Big Creek stream valley. During the period of Asarco's ownership of the smelter, it processed ore concentrates from nearby mines, including West Fork and Sweetwater, as well as ore concentrates from other operators in the New Lead Belt. Complete closure has been obtained at this OU.

The slag piles, referred to as the North and South Slag Piles, are both approximately five acres in size with the North Pile being approximately 25-feet high and the South Pile being approximately 100-feet high. In May 2000 (with revisions in September 2001), Asarco submitted a Design Analysis, Plans, and Specifications report for the capping of the slag piles

(Hydrometrics, Inc., 2001). The capping plan for the slag piles has been approved by Missouri's Department of Natural Resources and was completed in 2006.

IV. CONCLUSION

Planning and cleanup of a number of the areas involved in this contribution action are either complete or almost complete. Public policy discourages an indefinite stay in a contribution action. CERCLA and the District Court approved the \$80 million settlement to allow for a contribution action to proceed, notwithstanding the status of cleanup. If the Court was persuaded wrongfully to impose an indefinite stay given the status of cleanup, that stay should now be lifted given the substantially complete cleanup of the sites at issue in this litigation. Allocation of liability can be established without further delay.

Dated: September 11, 2013

Respectfully submitted,

By /s/ Gregory Evans

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CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served on September 11, 2013 with a copy of this document via the Court's CM/ECF system.

/s/ Gregory Evans